

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

RICKKE L. GREEN, <i>et al.</i> ,)	
)	
Petitioners,)	
)	
v.)	Case No. CIV-05-461-L
)	
JOHN WHETSEL,)	
)	
Respondent.)	

ORDER

This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Gary M. Purcell on May 10, 2005. The petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. §2241 has been filed as a proposed class action by several detainees, proceeding *pro se*, currently being held in the custody of the Oklahoma County Detention Center. Upon preliminary review of the petition, the Magistrate Judge recommended that the petition be summarily denied and the petitioners' Application for Class Certification and Application for Appointment of Counsel be denied as moot.

The court file reflects that petitioner Green filed a written objection to the Report and Recommendation within the time limits provided. The court has reviewed the objection, but finds that it is insufficient to justify overturning the

conclusions of the Magistrate Judge in this matter. The Magistrate Judge properly found that this court should abstain from interfering in the ongoing state court criminal proceedings and decline to address the merits of the issues prematurely raised in this action.

Having conducted a *de novo* review of the matter, the court finds that the Report and Recommendation should be adopted in its entirety. The Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 should be and is hereby **DENIED**. Petitioners' Application for Class Certification and Application for Appointment of Counsel are **DENIED as moot. This action is DISMISSED.**

It is so ordered this 13th day of June, 2005.



TIM LEONARD
United States District Judge